

REMARKS

Entry of the foregoing amendments is respectfully requested.

Summary of Amendments

By the foregoing amendments claims 1-11 are cancelled and claims 12-31 are added, whereby claims 12-31 will be pending, with claims 12 and 30 being independent claims.

Support for the new claims can be found throughout the present specification and in particular, the original claims and pages 5 and 6 of the specification.

Applicants emphasize that the cancellation of claims 1-11 is without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute the cancelled claims in one or more continuation and/or divisional applications.

Summary of Office Action

Applicants note with appreciation that the terminal disclaimer filed on September 26, 2005 has been reviewed and accepted and that the obviousness-type double patenting rejection set forth in the previous Office Action has been withdrawn.

The Information Disclosure Statement filed on November 3, 2005 is stated to not comply with 37 C.F.R. 1.98(a)(2) because copies of certain cited foreign (Japanese) patent documents have not been submitted. Applicants are filing concurrently herewith a supplemental Information Disclosure Statement with which the missing documents (and

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other documents) are submitted.

Applicants further note with appreciation that claim 2 is indicated to be allowable if rewritten in independent form.

Claims 1 and 3-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP 08-113514 (hereafter "JP'514").

Response to Office Action

Reconsideration and withdrawal of the rejections of record are respectfully requested in view of the foregoing amendments and the following remarks.

Response to Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1 and 3-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP'514. The rejection states that a verbal translation of JP'514 indicates that paragraph [0055] of this document allegedly teaches "an O/W formulation comprising 0.5 % by weight of polyoxyethylene monooleic acid sorbitan and 0.5 % of oleic acid sorbitan, 1 % of composite particle of example 2 (boron nitride)" and that JP'514 also teaches that "the size of the boron nitride is in the range of 0.005-5 microns, and that composite materials are prepared by drying a suspension containing an inorganic particle (mica, talc, titanium dioxide), boron nitride powder, and a dispersant, which indicates that the particles are coated with dispersing agents." The Office Action further states that, "since the prior art teaches using 1 % of sorbitan surfactants in an O/W emulsion comprising the treated boron nitride particles, it is viewed obvious that a skilled artisan would have discovered a workable range of emulsifying agent by routine

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experimentations.”

Applicants respectfully traverse this rejection. In this regard, Applicants point out that neither the English language abstract nor the English language machine translation of JP’514 submitted with the supplemental Information Disclosure Statement filed concurrently herewith contains any indication that the boron nitride particles described in JP’514 are intended to have any emulsion stabilizing effect, let alone allow to reduce the emulsifier content of the emulsion to not more than 0.5 % by weight.

Specifically, the boron nitride particles of JP’514 are employed for the sole purpose of coating the surfaces of mother particles of cosmetic powder such as nylon, mica, talc or the like therewith to afford composite particles excellent in economy which are improved in unnatural glaring and finish while the merits of the boron nitride powder, namely spreadability, gloss, adhesion and the like are usefully maintained (see English language abstract of JP’514). It is not even clear whether these composite particles, i.e., mother particles having boron nitride particles adhered to the surfaces thereof, would actually be able to stabilize an emulsion and make it possible to significantly reduce the emulsifier concentration that would otherwise be needed for stabilizing the emulsion.

At any rate, the disclosure of JP’514 clearly does not focus on (cosmetic) emulsions. Rather, it relates to cosmetic products comprising solid particles in general. In this regard, it is pointed out that paragraph [0021] of JP’514 indicates that the composite particles described therein can be used for solid and liquid cosmetics in general, such as foundation, face powder, substrate cosmetics, rouge, eye shadow, lip stick, eyeliner, mascara, a nail enamel, a milky lotion and a cream. This is yet another reason why JP’514 fails to provide any teaching or suggestion that the boron nitride particles described therein

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are useful per se, i.e., not only in combination with a mother particle, and in particular, that they can be used to stabilize an oil-in-water or water-in-oil emulsion. The majority of the exemplary cosmetic products mentioned in JP'514 are not even liquids, let alone emulsions.

The present Office Action points to the milky lotion described in paragraph [0055] of JP'514. As can be taken from the machine translation of JP'514, this lotion comprises not only 0.5 % by weight of polyoxyethylene monooleic acid sorbitan and 0.5 % of oleic acid sorbitan as acknowledged in the present Office Action, but also 0.5 % of cetanol = cetyl alcohol which is an emulsifier as well (in this regard, the article "Cetyl alcohol" downloaded from the Internet, en.wikipedia.org/wiki/Cetyl_alcohol¹, may be referred to).

Accordingly, the milky lotion of JP'514 contains a total of at least 1.5 % by weight of emulsifier, which is thrice the concentration recited in claim 12 submitted herewith. Nothing in JP'514 teaches or suggests that the emulsifier concentration in this example can be significantly reduced, let alone reduced to a concentration of 0.5 % by weight or less.

Applicants submit that for at least all of the foregoing reasons, JP'514 fails to render obvious the subject matter of any of the claims submitted herewith, wherefore withdrawal of the claim rejection under 35 U.S.C. § 103(a) over this document is warranted and respectfully requested.

¹ In accordance with M.P.E.P. § 609C(3), the document cited above in support of Applicants' remarks is being submitted as evidence directed to an issue raised in the mentioned Official Action, and no additional fee or Certification pursuant to 37 C.F.R. §§ 1.97 and 1.98, or citation on a FORM PTO-1449 is believed to be necessary.

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CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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Cetyl alcohol

From Wikipedia, the free encyclopedia

Cetyl alcohol, also known as **1-hexadecanol** and **palmityl alcohol**, is a solid organic compound and a member of the alcohol class of compounds. Its chemical formula is $\text{CH}_3(\text{CH}_2)_{15}\text{OH}$. At room temperature, cetyl alcohol takes the form of a waxy white solid or flakes. It belongs to the group of fatty alcohols.

The name **cetyl** derives from the whale oil (Latin: *cetus*) from which it was first isolated.

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Cetyl alcohol	
Chemical name	Cetyl alcohol
Chemical formula	$\text{CH}_3(\text{CH}_2)_{15}\text{OH}$
Molecular mass	242.4 g/mol
Melting point	56 °C
Boiling point	189 °C at 15 Torr
Density	0.818 g/cm ³
CAS number	[36653-82-4]
SMILES	CCCCCCCCCCCCCCCCCO
Disclaimer and references	

History

Cetyl alcohol was discovered in 1817 by the French chemist Michel Chevreul when he heated spermaceti, a waxy substance obtained from sperm whale oil, with caustic potash (potassium hydroxide). Flakes of cetyl alcohol were left behind on cooling.

Production

With the demise of commercial whaling, cetyl alcohol is no longer primarily produced from whale oil, but instead either as an end-product of the petroleum industry, or produced from vegetable oils such as palm oil and coconut oil. Production of cetyl alcohol from palm oil gives rise to one of its alternative names, **palmityl alcohol**.

Uses

Cetyl alcohol is used in the cosmetic industry as a surfactant in shampoos and hair conditioners, as an emollient and as an emulsifier and thickening agent in the manufacture of skin creams and lotions. It is also employed as a lubricant for nuts and bolts.

Related compounds

- Palmitate
- Palmitic acid

Alternative names

Cetyl alcohol is known under a variety of names, including:

- 1-hexadecanol
- hexadecyl alcohol
- palmityl alcohol
- cetanol
- hexadecan-1-ol
- ethal

Retrieved from "http://en.wikipedia.org/wiki/Cetyl_alcohol"